

A-6127

Variance Request

Widen and reconstruct the steps leading to the front porch and add one tread. The proposed reconstructed steps would extend an additional one foot, two inches (1'-2") beyond the existing steps for a maximum encroachment of two (2) feet forward of the twenty-five (25) foot front building restriction line.

Dr. & Mrs. Charles Bahn  
118 Hesketh Street

## 118 Hesketh Street



Figure 1: View of 118 Hesketh Street.



Figure 2: View of the front steps. The variance request is to widen (by 16") and reconstruct the steps, adding another tread, for a total of four (4) risers.

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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
MAY 14, 2012 MEETING**

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**STAFF REPORT**

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**TO:** BOARD OF MANAGERS

**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

**DATE:** 5/10/2012

**SUBJECT:** HEARING OF APPEAL CASE NO. A-6127 VARIANCE REQUEST  
DR. & MRS. CHARLES BAHN, 118 HESKETH STREET  
WIDEN AND RECONSTRUCT THE STEPS LEADING TO THE FRONT PORCH AND ADD ONE  
TREAD. THE PROPOSED RECONSTRUCTED STEPS WOULD EXTEND AN ADDITIONAL ONE  
FOOT, TWO INCHES (1'-2") BEYOND THE EXISTING STEPS FOR A MAXIMUM ENCROACHMENT  
OF TWO (2) FEET FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT BUILDING  
RESTRICTION LINE.

**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

**FINDINGS REQUIRED:**

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22, 8-26 or Article IV of the Village Regulations [not applicable to this appeal], the structure authorized by the proposed variance would not violate any covenant applicable to the property.

**APPLICABLE COVENANTS:**

A covenant applicable to the Subject Property imposed by the Chevy Chase Land Company provides "That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises and that no stable, carriage house, shed or out-building shall be erected except on the rear of said premises."

**FACTUAL AND BACKGROUND INFORMATION:**

The proposed stoop reconstruction was added to an ongoing renovation project at the Subject Property that includes a kitchen addition, the conversion of a porch into a sun room and the re-roofing of the detached garage (previously granted variance request A-6112).

The existing steps encroach ten (10) inches forward of the front twenty-five (25) foot building restriction and covenant front line setback.

The proposed steps would encroach an additional one foot, two inches (1'-2") beyond the existing steps, for a total encroachment of two (2) feet.

The Applicants state that the current risers are of uneven heights and too tall per current Montgomery County building regulations.

The Applicants state that the top step has separated from the front porch creating a hazardous condition.

They propose to reconstruct the steps so that the riser heights will be consistent and propose to add one more step so that each riser can be reduced in height to meet County code requirements.

In previous cases the Board has determined that if uncovered steps and stoops were constructed at the time that the covenants applicable to the property were placed, or shortly thereafter, then it is presumed that the covenant authors did not intend those protrusions to be classified as "structures" for the purposes of the covenants.

In previous cases the Board has found that the covenant authors did not intend certain uncovered steps and stoops to be deemed "structures" for the purposes of the front covenant setback, where such uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house and which steps and stoops are the minimum necessary to provide reasonable access.

The renovation of the steps is part of a larger hardscape project that includes replacing the front walkway, the steps to the sidewalk and constructing a decorative landscape retaining wall located three feet from the public sidewalk. As currently proposed this work will not require additional Board approvals.

There are no tree protection issues regarding the project. A tree protection plan has been installed as required by the ongoing addition at the property and would remain in place throughout the proposed stoop project.

To date there have been no letters received from abutting or confronting neighbors regarding the project.

Applicable Fees: Variance Application Fee: \$150.00; Building Permit: \$30.00; TOTAL: \$180.00

#### RELEVANT PRECEDENTS:

In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were granted a variance to extend the uncovered steps leading to the front porch. The applicants cited the same safety concerns such as steep risers which did not meet County Code requirements as in this case. A difference in the Bausch case was that the covenants were worded to prohibit "any stable, carriage houses or shed" forward of the 25-foot covenant setback, rather than the more standard language prohibiting "structure[s] of any description" forward of that setback. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were granted a variance to enlarge a non-conforming stoop, which violated applicable covenants, and which would encroach five feet, six inches (5'-6") forward of the 25-foot covenant setback, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were granted a variance to expand their front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction line. In January of 2011, Case A-5854, Joanne Kyros and Thomas Schaufelberger of 135 Grafton Street were granted a variance to enlarge an existing non-conforming stoop with



steps (all of which violated applicable covenants) and construct three (3) treads that would encroach five (5) feet forward of the 25-foot covenant setback, an additional two (2) inches farther than the existing treads. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were granted a variance to relocate and construct non-conforming front steps, leading to a porch. Both the porch and the existing steps violated an applicable 25-foot front setback covenant. The proposed steps would encroach twelve feet, eight inches (12'-8") in front of the 25-foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were granted a variance to reconstruct the front steps and add an additional step leading from the front walkway to the front porch. The existing steps violated an applicable 25-foot front setback covenant.

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**Draft Motion**

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in case A-6127, based on the findings that ...

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 14<sup>th</sup> day of May, 2012 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6127  
DR. & MRS. CHARLES BAHN  
118 HESKETH STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to widen and reconstruct the steps leading to the front porch and add one tread. The proposed reconstructed steps would extend an additional one foot, two inches (1'-2") beyond the existing steps for a maximum encroachment of two (2) feet forward of the twenty-five (25) foot front building restriction line.

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 3<sup>rd</sup> day of May, 2012.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR APPEAL A-6127**

**DR. & MRS. CHARLES BAHN  
118 HESKETH STREET  
CHEVY CHASE, MD 20815**

<b>Adjoining and confronting property owners</b>	
Mr. Seymour Auerbach Or Current Resident 115 Hesketh Street Chevy Chase, MD 20815	Mr. & Mrs. J.M. Robin Hutchinson Or Current Resident 113 Hesketh Street Chevy Chase, MD 20815
Mr. & Mrs. Eugene Gulland Or Current Resident 120 Hesketh Street Chevy Chase, MD 20815	Dr. & Mrs. Gary Adams Or Current Resident 116 Hesketh Street Chevy Chase, MD 20815
Mr. & Mrs. Louis Offen Or Current Resident 115 Grafton Street Chevy Chase, MD 20815	Mr. John R. Klein, II Or Current Resident 117 Grafton Street Chevy Chase, MD 20815
Ms. Sarah Cooper Or Current Resident 119 Grafton Street Chevy Chase, MD 20815	Ms. Susan Shearer & Mr. Douglas Young Or Current Resident 111 Hesketh Street Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 3<sup>rd</sup> day of May, 2012.



**Ellen Sands**

**Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**

# CHEVY CHASE VILLAGE

ESTABLISHED 1890

May 3, 2012

Dr. & Mrs. Charles Bahn  
118 Hesketh Street  
Chevy Chase, MD 20815

Dear Dr. & Mrs. Bahn:

Please note that your request to widen and reconstruct the front stoop, adding one tread, at your property is scheduled before the Board of Managers on Monday, May 14, 2012 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

## CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov

www.chevychasevillagemd.gov

SHANA R. DAVIS-COOK  
*Village Manager*

DAVID R. PODOLSKY  
*Legal Counsel*

## BOARD OF MANAGERS

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*Chair*

PETER T. KILBORN  
*Vice Chair*

ALLISON W. SHUREN  
*Secretary*

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*Assistant Secretary*

LAWRENCE C. HEILMAN  
*Treasurer*

GARY CROCKETT  
*Assistant Treasurer*

DAVID L. WINSTEAD  
*Board Member*



# Chevy Chase Village Building Permit Application

Permit No: A-6127

**Property Address:** 118 HESKETH ST

**Resident Name:** CHARLES & HELEN BAHN

Daytime telephone: 301 657-3023

Cell phone: 301 502-4417 (HELEN)

After-hours telephone: 301 951-4136

E-mail: charlesbahn@hotmail.com or helenbahn@hotmail.com

**Project Description:** Replace the existing front walkway, the stoop to the house, the steps to the sidewalk, construct a decorative landscape retaining wall ~3 feet from the sidewalk (entirely on the applicant property), construct a connector walkway from the front walkway (stepping stones) to the driveway, and install ceramic tile on front entry vestibule

☐ Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.

**Primary Contact for Project:**

☒ Resident

☐ Architect

☐ Project Manager

☐ Contractor\*

\*MHIC/MD Contractor's License No. (required):

**Information for Primary Contact for Project (if different from property owner):** work to be done by:

Name: Capitol Hardscapes - Chris Scango

Work telephone: 240 839-7011

After-hours telephone: cell

Cell phone: 240 375-2637 \*

E-mail: c.scango@capitolhardscapes.com

**Will the residence be occupied during the construction project?**

☒ Yes

☐ No

If no, provide contact information for the party responsible for the construction site (if different from above):

Name:

Address:

Work telephone:

After-hours telephone:

Cell phone:

E-mail:

**Parking Compliance:**

Is adequate on-site parking available for the construction crews?

☒ Yes

☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons?

☐ Yes

☒ No

**Building Permit Filing Requirements:**  
**Application will not be reviewed until the application is complete**


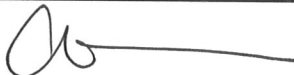
- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

*Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.*

*If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.*

*No signs advertising the architect, contractor, or any other service provider may be posted on the work site.*

**I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.**

**Applicant's Signature:**   


**Date:** 4/21/12  
4/21/12

*To be completed by Village staff:*

Is this property within the historic district?

Yes

☒ No

Staff Initials:



Date application filed with Village: 4/21/12

Date permit issued: \_\_\_\_\_

Expiration date: \_\_\_\_\_



<b>For Use By Village Manager</b>	<b>Application approved with the following conditions:</b>
<div style="border: 2px solid black; padding: 10px; display: inline-block;"> <b>DENIED</b>  APR 23 2012  Chevy Chase  Village Manager </div>	<b>Application denied for the following reasons:</b> <i>Handed back the reconstructed front stoop is forward of the 25' BRL (currently a developmental non conformity).</i>

<b>Filing Fees</b> (due when application submitted)	<b>Checks Payable to:</b> <b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
Permit Application Fee: \$ <u>50.00</u> (see Permit Fee Worksheet)	
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project. <i>previously assessed &amp; installed</i>	
TOTAL Fees: <u>\$50.00</u>	Date: <u>4/23/12</u> Staff Signature: <i>[Signature]</i>
<b>Damage Deposit/Performance Bond</b> (due when permit is issued)	<b>Checks Payable to:</b> <b>Chevy Chase Village</b> <b>5906 Connecticut Ave.</b> <b>Chevy Chase, MD 20815</b>
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Staff signature:
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: Staff signature:

<b>For Village Staff use:</b>	
Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)	



# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

<b>Subject Property:</b> 118 HESKETH ST	
<b>Describe the Proposed Project:</b> RECONSTRUCTION OF FRONT STEPS TO THE HOUSE (STOOP) THE PROPOSED RECONSTRUCTION WILL IMPROVE THE SAFETY AND AESTHETICS OF THE PROPERTY.	
<b>Applicant Name(s) ( List all property owners):</b> CHARLES & HELEN BAHN	
Daytime telephone: 301 657-3022	Cell: 301 582-4417 HELEN
E-mail: charlesbahn@hotmail.com helenbahn@hotmail.com	
Address (if different from property address):	
For Village staff use:	Date this form received: 4/23/12 Variance No: A-0627

### Filing Requirements:

#### Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code. If there are no covenants, provide a letter from an attorney or the title insurance carrier stating that there are no covenants.
- ☒ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Heleen M Bahn  
 Applicant's Signature: [Signature]

Date: 4/21/12  
 Date: 4/21/12



**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

The current steps to the front of the house (stoop) are in disrepair, cracked and in need of replacement (Picture 1). The steps of the existing stoop are of uneven heights and are too tall per the current Montgomery Co Bldg regulations. The existing stoop encroaches (10") 10 inches into the required 25-foot front setback from Hesko Rd St. To reconstruct the stoop to meet Montgomery Co Code (equal riser heights) 1 step must be added which will increase the encroachment an additional 1 foot 2 inches (1'-2") for a total encroachment of two (2') feet.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

The proposed reconstruction replaces the unsafe existing stoop (cracked & crumbling concrete; uneven & too tall riser heights) with a safe & attractive structure that is more consistent with the Tudor style of the house. The riser heights will be consistent & 1 step will be added so that each riser can be reduced in height to meet county code requirements.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

The proposed reconstruction will improve the safety of the property & enhance the Tudor appearance of the house (Picture 2 - not to scale, ours is much narrower - is an approximation of the appearance of the proposed reconstruction).

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Open vistas & adequate flow of light & air will not be impacted

<p><b>Variance Filing Fee</b></p>	<p><b>Checks Payable To:</b> Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815</p>
<p>Per Village Code Sec. 6-2(a)(24):</p> <p><input type="checkbox"/> \$300.00 for new construction.</p> <p><input checked="" type="checkbox"/> \$150.00 for replacing existing non-conformities.</p> <p><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.</p> <p><input type="checkbox"/> Other: \$ 30 POD #4493 #4494 #30 Spec Permit Buildg #150 steps variance #4495</p> <p><b>Fee Paid:</b> \$ 210.00</p>	<p><b>Date Paid:</b> 4-22-12</p> <p><b>Staff Signature:</b> <i>Daniel M. Lopez</i></p>

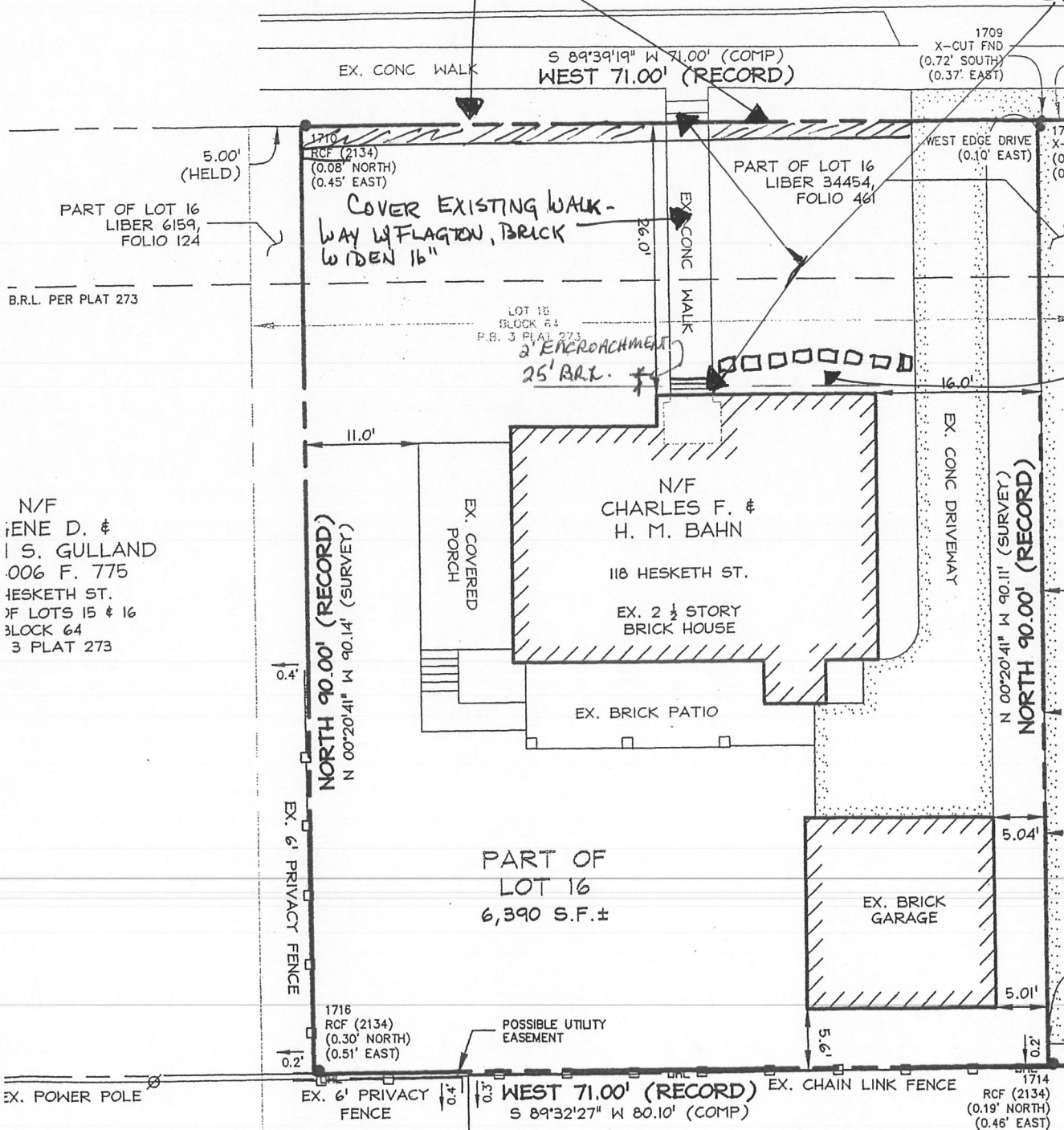


Not to Scale

BRICK RETAINING WALL W/ FLAGSTONE  
CAP 21" height. WALL TO BE LOCATED  
MINIMUM 3' FROM SIDEWALK

REMOVE + REPLACE  
EXISTING STEPS W/  
FLAGSTONE. WIDEN  
STEPS 16"

ADD 1 STEP  
AT STOOP

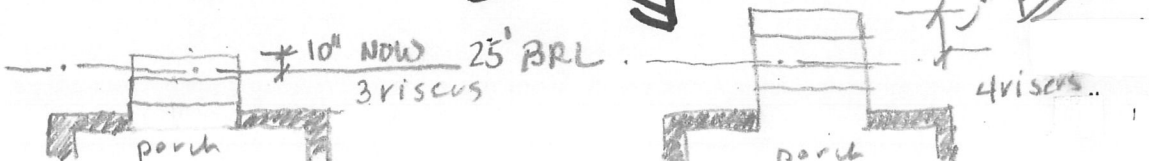


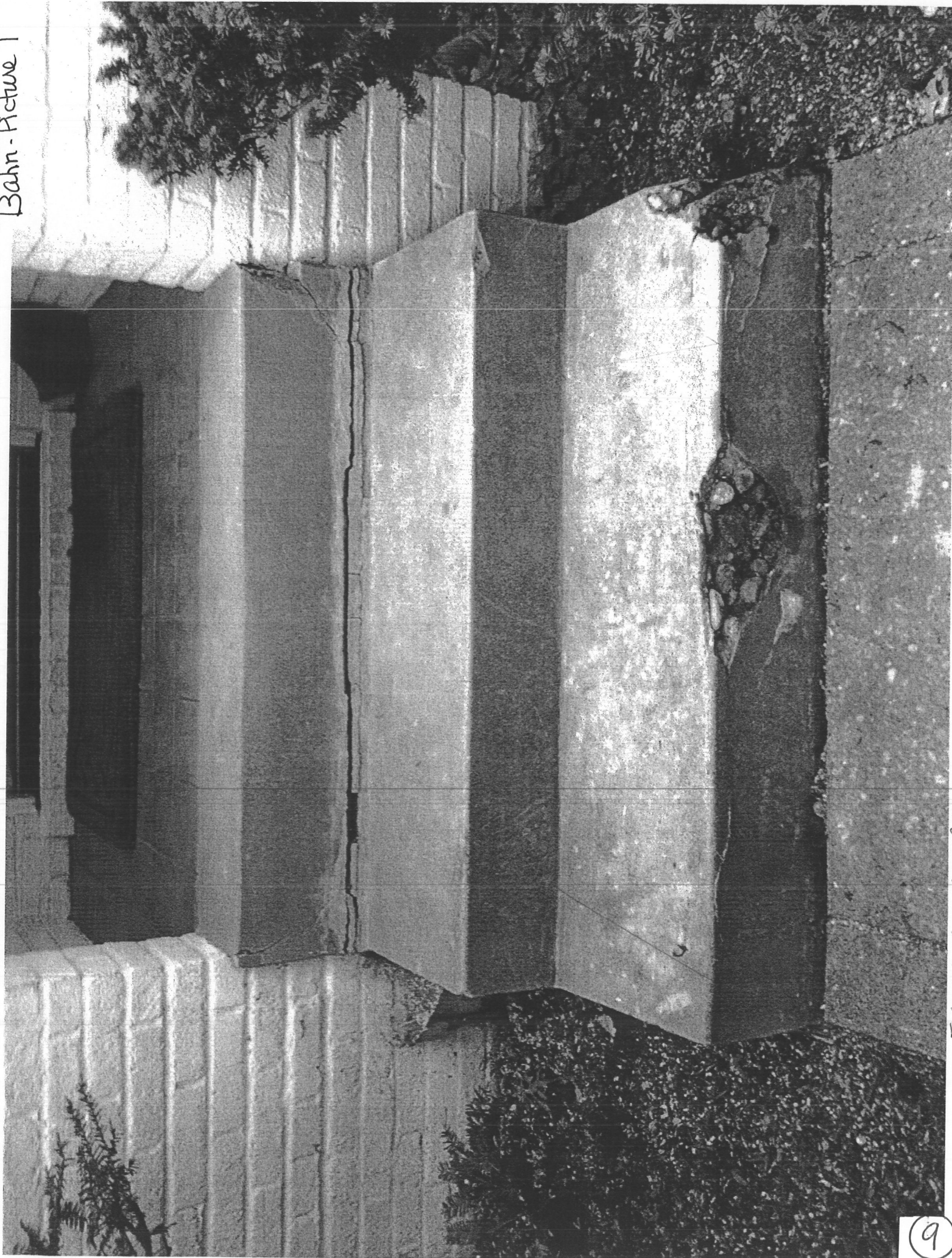
N/F  
JANE D. &  
S. GULLAND  
006 F. 775  
HESKETH ST.  
OF LOTS 15 & 16  
BLOCK 64  
3 PLAT 273

N/F  
JAMES JOYCE &  
SARAH COOPER  
L. 34880 F. 037  
119 GRAFTON ST.  
PART OF LOT 10  
BLOCK 64  
P.B. 3 PLAT 273

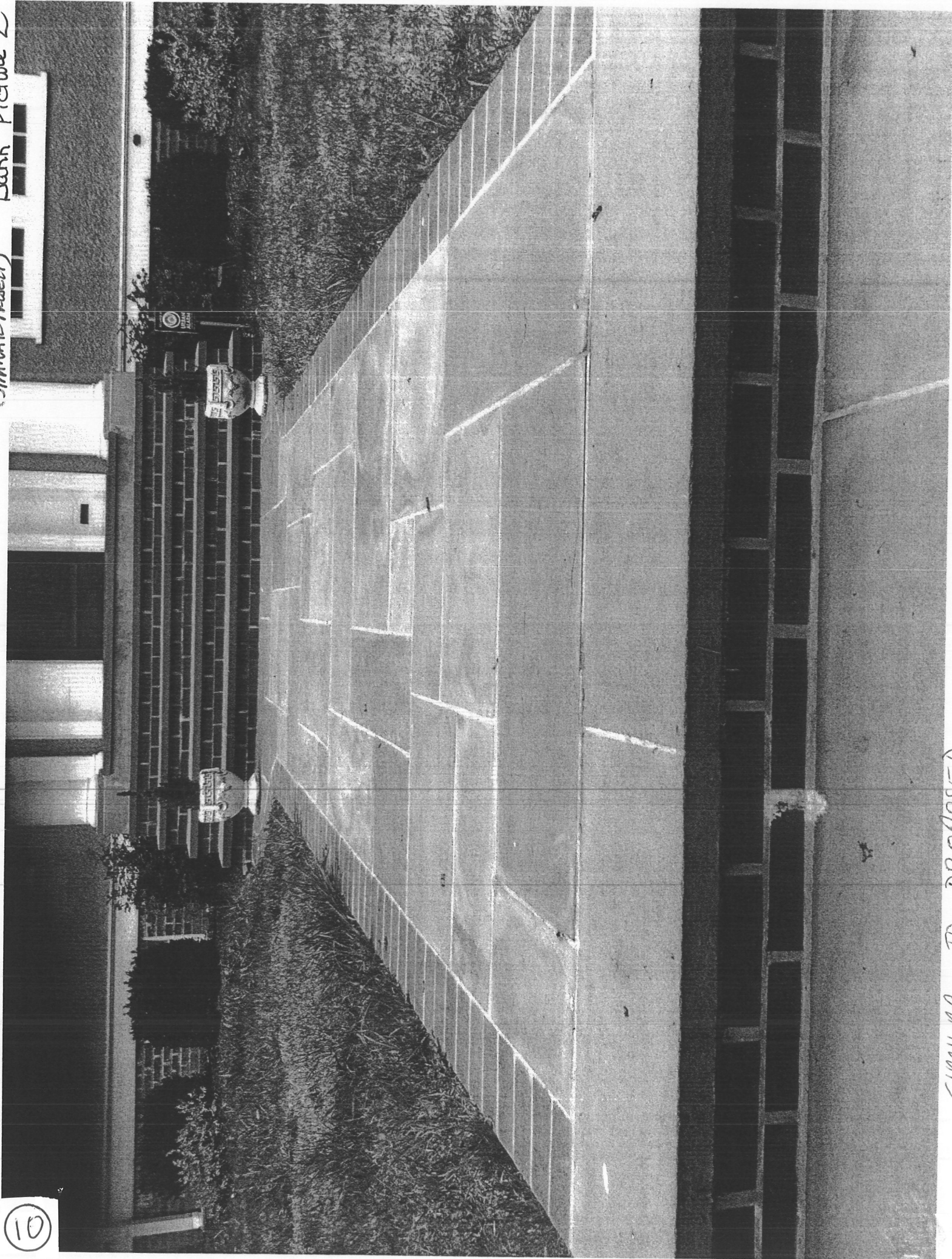
N/F  
JOHN R. KLEIN 2ND  
117 GRAFTON ST.  
L. 17726 F. 178  
PART OF LOT 9  
BLOCK 64  
P.B. 3 PLAT 273

DETAIL  
DIAGRAM











aining.

To have and to hold the above described parcel of land unto the only proper use, and benefit forever of the said party of the second part his heirs and assigns in fee simple.

And the party of the first part covenants that he will warrant specially the land hereby conveyed, and that he will execute such further assurances thereof as may be requisite.

Witness my hand and seal.

Attest:

J. Alexander M. Proctor

J. Addison Hicks

(Internal Revenue \$0.50)

United States of America,

District of Columbia, ss:-

I hereby certify that on this 19th day of December 1925, before the subscriber a Notary Public in and for the District of Columbia, personally appeared Alexander M. Proctor, party to the foregoing and annexed deed and acknowledged the same to be his act.

In testimony whereof I have hereunto affixed my hand and official seal this 19th day of December A.D. 1925.

J. Addison Hicks

Notary Public D.C.

J. Addison Hicks  
Notary Public  
District of  
Columbia

# EXAMINED.

Read to G. L.

The J. Hicks & Co. Inc.

758-16 St. N. hundred and twenty five by and between The Chevy Chase Land Company of Montgomery County, Mary-

land (a corporation duly organized under and by virtue of the laws of the state of Maryland)

24-26

party of the first part and George F. Mikkelsen of the state of Maryland, party of the second part:

Witnesseth that the said party of the first part, for and in consideration of the sum of twenty two thousand one hundred and sixty nine and 25/100 dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth does hereby grant and convey unto the said party of the second part in fee simple, the following described land and premises with the improvements, easements and appurtenances thereunto belonging, situate in the county of Montgomery State of Maryland, namely:

Lots numbered eight (8) nine (9) ten (10) and eleven (11) in block numbered



CWMKJ

sixty two (62) and lots numbered sixteen (16) and seventeen (17) and the east thirty five (35) feet front on Hesketh Street by the full depth thereof of lot numbered fifteen (15) in block numbered sixty four (64) in the subdivision made by The Chevy Chase Land Company of Montgomery County, Maryland known as "Chevy Chase Section two", as per plat of said subdivision recorded in plat book No. 3 page 273 of the land records of Montgomery County, Maryland.

To have and to hold the said land and premises with the improvements easements and appurtenances, unto and to the use of the said party of the second part, his heirs and assigns in fee simple.

In consideration of the execution of this deed the said party of the second part for himself and for his heirs and assigns hereby covenants and agrees with the party of the first part its successors and assigns (such covenants and agreements to run with the land) as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively except stables carriage houses sheds or other outbuildings for use in connection with such residences and that no trade business manufacture or sale or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty five (25) feet of the front line of said premises, and that no stable, carriage house, shed, or out-building shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than five thousand (\$5000) dollars, that no house in rows or semi-detached houses but only detached houses, shall be erected on said premises.

4. That any houses erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company of Montgomery County, Maryland its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square or part of a lot or square in the section of the subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In testimony whereof on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland, has caused these presents to be signed with its corporate name by Edward J. Stellwagen, its President attested by George S. Fleming, its secretary and its corporate seal to be hereunto affixed and does hereby constitute and appoint George S. Fleming its true and lawful attorney in fact, for it and in its name place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment and to deliver the same as such.